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650 Page Mill Road
Palo Alto CA 94304

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Buechler :
Application No. 10/697,351 : ON APPLICATION FOR
Filed: October 29, 2003 : PATENT TERM ADJUSTMENT
Attorney Docket No. 36671- :
716.302 :
Title: DIAGNOSTIC DEVICES AND :
APPARATUS FOR THE CONTROLLED :
MOVEMENT OF REAGENTS WITHOUT :
MEMBRANES :

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705," filed February 5, 2010. This request is properly treated under 37 CFR 1.705(b). Applicant submits dispute the 316 day reduction.

The application for patent term adjustment is **GRANTED**.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 23-2415. No additional fees are required.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred ninety-two (192) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicant disputes the 316 day reduction. Applicant contends that the reduction based upon the submission of the Request for Continued Examination (RCE) and the information Disclosure Statement filed on August 5, 2008. Applicant submits no reduction is warranted.

The application history has been reviewed and it has been determined that reduction of 316 days will be removed.

Applicant's delay prior to the mailing of the Notice of Allowance is 115 (31 + 84) days. Office delay prior to the mailing of the Notice of Allowance is 307 days.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is one hundred ninety-two (192) days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant, at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 10697351 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10697351

Application Filing Date	10/29/2003	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	307
A Delays	307	PTO Manual Adjustment	316
B Delays	0	Applicant Delay (APPL)	431
C Delays	0	Total PTA (days)	192

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
159	09/25/2010		P028	Adjustment of PTA Calculation by PTO	316	0	
150	12/24/2009		HN/-	Mail Notice of Allowance		0	
149	12/21/2009		IREV	Issue Revision Completed		0	
148	12/20/2009		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
147	12/20/2009		DVER	Document Verification		0	
145	12/20/2009		N/-	Notice of Allowance Data Verification Completed		0	
144	12/09/2009		CNTA	Notice of Allowability		0	
146	12/04/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
138	11/17/2009		MCTAV	Mail Advisory Action (PTOL - 303)		0	
137	11/13/2009		CTAV	Advisory Action (PTOL-303)		0	
136	11/10/2009		FWDX	Date Forwarded to Examiner		0	
135	11/09/2009		A.NE	Amendment after Final Rejection		0	
134	09/16/2009		MCTFR	Mail Final Rejection (PTOL - 326)		0	
133	09/14/2009		CTFR	Final Rejection		0	
130	07/27/2009		PS74	Paralegal TD Accepted		0	
129	07/27/2009		PS74	Paralegal TD Accepted		0	
128	07/27/2009		PS74	Paralegal TD Accepted		0	
127	07/27/2009		PS74	Paralegal TD Accepted		0	
126	07/27/2009		PS74	Paralegal TD Accepted		0	
125	07/27/2009		PS74	Paralegal TD Accepted		0	
124	07/27/2009		PS74	Paralegal TD Accepted		0	
123	07/27/2009		PS74	Paralegal TD Accepted		0	
122	07/27/2009		PS74	Paralegal TD Accepted		0	
121	07/07/2009		FWDX	Date Forwarded to Examiner		0	
119	07/07/2009		FWDX	Date Forwarded to Examiner		0	
117	07/07/2009		ABN9	Disposal for a RCE / CPA / R129		0	
132	07/02/2009		IDSC	Information Disclosure Statement considered		0	
120	07/02/2009		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
118	07/02/2009	04/09/2009	RCEX	Request for Continued Examination (RCE)	84	109	
116	07/02/2009		DIST	Terminal Disclaimer Filed		0	
115	07/02/2009		DIST	Terminal Disclaimer Filed		0	
114	07/02/2009		RCAP	Reference capture on IDS		0	
113	07/02/2009		M844	Information Disclosure Statement (IDS) Filed		0	
112	07/02/2009		XT/G	Request for Extension of Time - Granted		0	
111	07/02/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
110	07/02/2009		BRCE	Workflow - Request for RCE - Begin		0	
89	02/05/2009		MADDS	Appeal Dismissed - Mailed		0	
88	02/04/2009		APDS	Appeal Dismissed		0	
109	01/09/2009		MCTNF	Mail Non-Final Rejection		0	
108	01/07/2009		CTNF	Non-Final Rejection		0	
105	11/06/2008		FWDX	Date Forwarded to Examiner		0	
101	11/06/2008		FWDX	Date Forwarded to Examiner		0	
99	11/06/2008		ABN9	Disposal for a RCE / CPA / R129		0	
107	11/05/2008		IDSC	Information Disclosure Statement considered		0	
106	11/05/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
104	11/05/2008		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
103	11/05/2008		RCAP	Reference capture on IDS		0	
102	11/05/2008		M844	Information Disclosure Statement (IDS) Filed		0	
100	11/05/2008		RCEX	Request for Continued Examination (RCE)		0	
98	11/05/2008		BRCE	Workflow - Request for RCE - Begin		0	
97	10/09/2008		MCTFR	Mail Final Rejection (PTOL - 326)		0	
96	10/07/2008		CTFR	Final Rejection		0	
92	08/07/2008		FWDX	Date Forwarded to Examiner		0	
90	08/07/2008		ABN9	Disposal for a RCE / CPA / R129		0	
95	08/05/2008		IDSC	Information Disclosure Statement considered		0	
94	08/05/2008		RCAP	Reference capture on IDS		0	
93	08/05/2008	09/24/2007	M844	Information Disclosure Statement (IDS) Filed	316	49	
91	08/05/2008		RCEX	Request for Continued Examination (RCE)		0	
63	08/05/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
62	08/05/2008		BRCE	Workflow - Request for RCE - Begin		0	
61	07/28/2008		CAD8	Correspondence Address Change		0	
60	07/17/2008		APWH	Waiver of Hearing by Appellant		0	
59	06/26/2008		APNH	Notification of Appeal Hearing		0	
57	05/12/2008		AP_OK_M	Docketing Notice Mailed to Appellant		0	
56	05/12/2008		APAS	Assignment of Appeal Number		0	
55	04/22/2008		PAL	Change in Power of Attorney (May Include Associate POA)		0	
54	04/21/2008		CAD	Correspondence Address Change		0	
53	04/15/2008		APWD	Appeal Awaiting BPAI Docketing		0	
52	12/13/2007		MRBME	Mail Reply Brief Noted by Examiner		0	
51	12/10/2007		RBME	Reply Brief Noted by Examiner		0	
50	10/10/2007		FWDX	Date Forwarded to Examiner		0	
47	10/05/2007		DOCK	Case Docketed to Examiner in GAU		0	
49	09/24/2007		APRB	Reply Brief Filed		0	
48	09/24/2007		APOH	Request for Oral Hearing		0	
46	09/12/2007		PACC	Exam. Ans. Review Complete		0	
45	08/17/2007		HAPEA	Mail Examiner's Answer		0	
44	08/16/2007		APEA	Examiner's Answer to Appeal Brief		0	
41	06/05/2007		APBR	Appeal Brief Review Complete		0	
40	06/05/2007		FWDX	Date Forwarded to Examiner		0	
39	04/25/2007		AP.B	Appeal Brief Filed		0	
38	04/25/2007		XT/G	Request for Extension of Time - Granted		0	
37	03/05/2007		MCTAV	Mail Advisory Action (PTOL - 303)		0	
36	03/05/2007		CTAV	Advisory Action (PTOL-303)		0	
35	03/01/2007		FWDX	Date Forwarded to Examiner		0	
33	02/09/2007		MCTAV	Mail Advisory Action (PTOL - 303)		0	
32	02/08/2007		CTAV	Advisory Action (PTOL-303)		0	
31	02/02/2007		FWDX	Date Forwarded to Examiner		0	

30	01/25/2007	AP/A	Amendment/Argument after Notice of Appeal	0
29	01/25/2007	N/AP	Notice of Appeal Filed	0
28	10/25/2006	MCTFR	Mail Final Rejection (PTOL - 326)	0
27	10/24/2006	CTFR	Final Rejection	0
26	08/15/2006	FWDX	Date Forwarded to Examiner	0
25	08/07/2006	07/07/2006	Response after Non-Final Action	21
24	08/07/2006	XT/G	Request for Extension of Time - Granted	0
23	04/07/2006	MCTNF	Mail Non-Final Rejection	0
22	04/05/2006	CTNF	Non-Final Rejection	0
21	02/27/2006	AP/A	Amendment/Argument after Notice of Appeal	0
20	02/02/2006	FWDX	Date Forwarded to Examiner	0
19	02/02/2006	FWDX	Date Forwarded to Examiner	0
18	02/02/2006	ABN9	Disposal for a RCE / CPA / R129	0
17	01/27/2006	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	0
16	01/27/2006	RCEX	Request for Continued Examination (RCE)	0
15	01/27/2006	BRCE	Workflow Request for RCE Begin	0
14	11/01/2005	12/29/2004	MCTFR	Mail Final Rejection (PTOL - 326)
13	10/28/2005	CTFR	Final Rejection	302
12	10/13/2005	DOCK	Case Docketed to Examiner in GAU	0
11	02/25/2004	TSSCOMP	IFW/TSS Processing by Tech Center Complete	0
10	01/16/2004	COMP	Application Is Now Complete	0
9	01/15/2004	WROIPE	Application Return from OIPE	0
8	01/15/2004	ROIPE	Application Return TO OIPE	0
7	01/15/2004	OIPE	Application Dispatched from OIPE	0
6	01/12/2004	IDSC	Information Disclosure Statement considered	0
5	01/12/2004	RCAP	Reference Capture on IDS	0
4	01/12/2004	MB44	Information Disclosure Statement (IDS) Filed	0
3	01/12/2004	WIDS	Information Disclosure Statement (IDS) Filed	0
2	12/23/2003	L194	Cleared by OIPE CSR	0
1	12/23/2003	CLASS	CASE CLASSIFIED BY OIPE	0
0	12/18/2003	SCAN	IFW Scan & PACR Auto Security Review	0
0	10/29/2003	TEXX	Initial Exam Team and	0

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